

09/842,527

MS158543.01/MSFTP194US

REMARKS

Claims 1-49 are currently pending in the subject application and are presently under consideration. Claims 36, 43 and 48 have been amended as shown on pages 8-10 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 36-39, 43-46, 48 and 49 Under 35 U.S.C. §101

Claims 36-39, 43-46, 48 and 49 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 36, 43 and 48 have been amended to cure any deficiencies related to this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 1-49 Under 35 U.S.C. §103(a)

Claims 1-49 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bosworth *et al.* (US 6,738,968) in view of Dyer ("Java Decompiles compared," Java World, 7/1997). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosworth *et al.* is not citable prior art in a 35 U.S.C. §103(a) rejection with respect to the present application. The following is a quotation of 35 U.S.C. §103(c) which forms at least one basis for withdrawal of all rejections in this Office action:

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (e), (f), and or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The subject matter of Bosworth *et al.* and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to Microsoft Corporation. Therefore, Bosworth *et al.* is not a citable reference with respect to the subject application; and furthermore Dyer fails to teach or suggest the all of the elements claimed in the present invention.

In view of the foregoing, it is respectfully requested that this rejection be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP194US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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